

P.F. 143 893

G. R. S. 1X-5]

Previous references.

1893-94

192

(K-R)

File No. 131-73

Serial Nos. 1-5

Later references.

GENERAL AND REFERENCE SECRETARIAT

Serial No.

1-5

Major ~~Part B~~ for June 1894

Patel. Report of Ramachalli,
Mysore taluk

Indexed
by

Appeal no 30 of 1898-99

Appellant (Plff):—

Chonda Naik

Respondent (Def):—

Malebid Naik.

Appellant's father Silda Naik and the Respondent Malebid Naik were the joint-Patels of Ramnashli in the Mysore Taluk. (vide Barabante Register of 1864.) It is reported that at the inspection made by Colonel Hill in 1874 the Appellant's father was pronounced unfit, and that from that time the Respondent alone performed the duties. Appellant's father died in about 1884. In 1886, Appellant's older brother Macaga Naik claimed the office

* This is according to Appellant's
deposition. It must be proved.

held that the Razinama was contrary to the terms of the order passed in 1888, and could not - therefore be accepted, and that as that order had not been appealed against - and was final the Appellant was not entitled to succeed. He dismissed the Appellant's suit with costs.

In appeal, the Appellant urges that the Deputy Commr's order of 1888 was no bar to the present suit - and that the lower Court erred in not giving effect to the Razinama.

It must clear whether the parties belong to two different families, or members of one family -

The Dy Commr may be asked to dispose of the case with reference to Genl Order of 3rd July 1894

Subsidiary to last two sons, are the two to be employed under the above order?
 Yes

Both are clear Hindu

Yes Sir
 6.9.94
 Let me see this order

Appeal No 30 of 1893-94

Chowder Naik vs Habib Nain
 Plff - appellants Deft. Resp
 by Mr. S. Narayana

Though this is an appeal in a regular suit, yet the question raised is merely one of Practice & it is not clear if it is necessary to post the case for hearing.

One out of two joint Rakhs was considered sufficient for the office, and the more competent of the two (defendant) was ordered to do the duties. On the death of the other, one of his sons (Plff's brother) who claimed the office was registered as a Rakdar but not permitted to do duties. Another of deceased's sons, Plff, then sued to recover possession of the office & in the course of the trial, both parties filed a Razinama to the following effect:— that both should jointly officiate, that

1888.

The Amildar reported his application and stated that the village required two Patels. The Deputy Commissioner ordered, on 19th April 1888, that one Patel was sufficient for the village, that Respondent was an old and trustworthy person and his son competent to discharge the duties, and that Harekrishna's name might be entered in the register as a Bakdar.

On 24th March 92, the Appellant filed a suit for the recovery of the entire office. In the course of the trial both parties filed a Rajinama to the following effect:— that both should jointly officiate, that both should discharge the Sirkar duties, that both should likewise attend to the Collection business, and that both should equally share the Rotapi.

The Deputy Commissioner

Appeal No 30 of 1893-94.

Appellant:

Chonda Naik
of Ramanhalli
Mysore Taluk.

Mr S. Narayana Row
Advocate.

Respondent:

Kalibid Naik.

7. 6. 94.

Appellant - by Mr. Rangiswar for
Mr. S. Narayana Row

Respondent - by Mr. H. Krishnadur

Follows

Atty & Respondent were both Patils
of Ramanhalli - Respondent alone is now
doing duties, ~~the Atty claims his right~~
~~to be recognised & to be appointed~~
~~as Joint Patil~~ In March 1892, Atty
brought a suit for the office, & both parties
presented a Razinama agreeing to
discharge the duties jointly & share the

Potage equally, but the Dy Cant
refused to admit the Razemank
& dismissed the suit on the ground
that under the order of the former Dy
Cant there could be but one Patuck
for the Village. — The appeal is against
this decision. —

Govt. Order in the Pro
dated 30 Jan 1894 No 10267-75
R 1055

Authorized the employment of two
Patucks, where there ^{are} two distinct
Hakdars, the Dy Cant will be
requested to admit the Razemank
& pass orders for the division
of duties among them under the Pro
above quoted.

11/8/94

Recd

Mr is referred to the Dy
Cant to whom orders have
been issued etc

both should discharge the
 similar duties, that both
 should likewise attend to
 the collection business and
 that both should equally
 share the Payi.

The 2^d person held that
 such an arrangement in
 regard to a 1st appointment
 could not be accepted, as it
 was opposed to previous rules,
 and dismissed the suit.

In appeal it is urged that
 by right of inheritance &
 by virtue of the Reginama
 Siff is entitled to hold office
 as a joint Sakl.

Sub^d for orders.

The 2^d person's judgment
 & proceedings in the grounds of
 appeal are in English.

[Signature]
 - 27/2

சென்னை மாவட்டம்
சென்னை

பெட்டியை அடைக்க
பி.சி.பி.

R. 131-93-1

(General Serial No. 32.)

1893

2

No. 607

Name of Petitioner. Pundarikata

Village. Pundarikata

Taluk.

District.

Date of Act. 23. 12. 93

Date of Receipt. 23. 12. 93

Date of Disposal.

No. of Enclosures. 1

ABSTRACT.

appears against the order
of the Deputy Commissioner
of 1892-93, about the purchase
of the same village for the
various reasons mentioned
in the enclosed papers.

B/

Chowdannaika
Mysore
39/8/94

27
1000
27-6-94



9

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT
RECD. NO. 60817
DATE 30-8-95

MYSORE COURT FEE

1

A.S. No 30
93.94.

Before the Government of
His Highness the Maharaja of Mysore

Revenue Appeal Case No. 12 of 1893-94

Appellant.	}	Respondent.
Chowdannaika.		Halibidu Naika
(Plaintiff)		(Defendant)

The appellant above named respectfully begs to appeal against the judgment of the Deputy Commissioner Mysore District passed in Revenue Appeal Case No. 7 of 1892-93 on the following grounds:

1. The Learned Deputy Commissioner having found that the fathers of both Plaintiff and Defendant are the joint holders of the Patni office in question and that the father of Defendant having died, erred in refusing to appoint the Plaintiff to the office.

and further erred in not giving effect to the pargana



Signature

Pet. 395

W

Hand

2060280
50-
8-9-92

MYSORE DEWAN'S OFFICE

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

3

L.R. 131-93-2

✓

The accompanying Petition No. 608 dated 28-8-93 received at the Dewan's Office from Choudananda of Bainanahalli, Mysore District, appealing against the Deputy Commissioner's order in Rev. Appeal No. 9 of 1892-93 regarding the Patalahatti of the above village is forwarded, together with its one enclosure, to the Deputy Commr. Mysore District for submission of Proceedings with a report on the facts of the case and on the points taken in the petition.

2. The Petition and enclosure should be returned

By Order,

Draft

6
BANGALORE,
September, 1893 }

R

[Signature]
Chief Secretary.

in the case by both parties 10.

4. It has been erroneously held that the order passed by Mr. Standa Peck is a bar to the present suit and that is because the father of Plaintiff was pronounced to be incompetent his son the present Plaintiff cannot claim the office.

5. The decision is against law weight of Evidence and Probabilities of the Case.

28th August 1893. { S. P. Maynard
D. August 1893 } & Prosecution
appellant

4

Encl. proceedings of the ...
to ... of a ...
... the ...
Raj ...

12 1891 9866
From ...
The Deputy Commissioner
Mysore District.

For ...
...
...

To
The Chief Secretary to the Dewan
of Mysore.

Set 2 for ...
...

Dated 8th December 1893.

Despatched 9

Received

L. R. 131-93

Enclosures No. Petition No. 608
General No. 658
No. with ...
and ...

Submitting report on the petition
from Chandanahra & Ramanahalli
Mysore Taluk

Petition March 11/94
8/12/93

13

4

N. 658 -
1+17ll

Deputy Commissioner's Office

Mysore District,

Dated Mysore $\frac{7}{9}$ December 1893

From,

A. Rangaswami Gangaraj:

Deputy Commissioner

To,

Mysore District

The Chief Secretary to the Dewan
of Mysore

Sir,

In returning the appeal petition with its enclosure, received with your official Memorandum No 290 of 25th August last, I have the honor to submit herewith the Proceedings in Revenue Appeal No 9 of 1892-93 on the file of this Court. Chowdannaiah vs Halebidu Raika; and to state as follows on the points taken in the petition:-

(I) The Plaintiff's father, who was a joint Patél with the Defendant, was pronounced unfit by Colonel Will at the time of his inspection in 1874, and Defendant alone allowed to perform the duties. Neither Plaintiff's father nor Plaintiff appeared against this

Appeal No 30 of 1893-94.

Appellant-

Chouda Naik
of Ramanhalli
Mysore Taluk
represented by Mr S. Narayana
Law Advocate.

Respondent:-

Halebid Naik
represented by Mr H. Krishna Rao
Advocate.

L.R. 131-93 H
Decision

Appellants' father and Respondent were both Patels of Ramanhalli. Respondent alone is now doing duties. In March 1892, appellant brought a suit for the office. Both parties presented a Razinama agreeing to discharge the duties jointly and share the Potagi equally, but the Deputy Commissioner refused to admit the Razinama, and

dismissed the suit on the ground that, under the order of the former Deputy-Commissioner, there could be but one Patel for the village. The appeal is against this decision.

2. Government having, in their Proceedings dated 3rd January 1894 No $\frac{10267-75}{R. 1055}$, authorized the employment of two Patels, where there are two distinct Hakdars, the Deputy-Commissioner will be requested to admit the Razinama and pass orders for the division of duties among them under the Proceedings above quoted.

Blank
 Draft sent in sub. herewith
 H. H. L.
 H.

By Order

Redraft

attached

Chief Secretary.

M. S. 22726 3/12-6-94

Copy of the above is

with the abstract 227 9/2

17
forwarded to the Deputy Comm-
insone District, with the records
received with his No 65-8, dated
8th December 1893.

By order

Chief Secretary.
Comd. Eng.

Sr. R.

Issue this endorsement
V. J. 2/6

18 Mysore Dewan's Office
No 9 Petition Branch
Dated 17 June 1894.
28

608 2080 2200 2300
28-6-94

L.R. 131-93-5

Endorsement granted
to Chonda Naik of Ramanahalli
Mysore Taluk, appealing
against the decision of the
Deputy Commissioner of
Mysore in Rev: Regular Suit
No 9 of 1892-93, regarding the
office of Patel of Ramanahalli

Petitioner is referred to
the Deputy Commissioner, to
whom orders have been
issued.

2. The enclosure is returned.

27/6/94

Draft
(Council order)

By Order
Chief Secretary.
Comd. Sglt

28-6-94

Sr. R

this, and so must be considered to have
 acquiesced in the removal of the former.
 Mr. Ananda Rao's order deciding that one
 Patel was enough has not been set aside,
 and only one man could be Patel after
 the decree, and as the Defendant has
 all along been Patel, he could not be
 turned out to make room for Plaintiff.

(II & III) The effect of the Rajawade was
 to over ride my predecessor's order and
 could not be recognised for this and
 reasons given above.

Respectfully,
 Sir,

Sir,

Your most obedt servant,

Adarmanj

Deputy Commissioner

Mysore District

MM